

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	4:09CR3053
	)	
V.	)	
	)	
ALFRED EUGENE FINCH,	)	MEMORANDUM AND ORDER
	)	
Defendant.	)	
_____	)	

The defendant has filed a motion for continuance. He wants me to delay sentencing for six months to see what Congress does with the “crack” penalties. Before I decide what to do, I want to hear orally from the lawyers. Sentencing will not take place on November 3, 2009 as previously scheduled. However, we will discuss further scheduling and related matters on November 3<sup>rd</sup>.

I am tentatively inclined to set an evidentiary hearing in the relative near future to resolve the defendant’s objections to the presentence report. Moreover, there are procedural and substantive questions about the information alleging a prior felony drug conviction and whether, as the government suggests (filing 87 at CM/ECF p. 4), the defendant must file a written response to that information and bear the burden of proving any factual issue raised by the defendant’s response. Accordingly,

IT IS ORDERED that counsel for both parties and the defendant shall appear before me on November 3, 2009 at 12:30 PM to discuss the matters set forth in this memorandum and order. Sentencing is temporarily cancelled. The motion to continue sentencing (filing 88) is held in abeyance pending our discussion on November 3, 2009.

DATED this 29<sup>th</sup> day of October, 2009.

BY THE COURT:

*Richard G. Kopf*  
United States District Judge